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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF VETERINARY MEDICAL EXAMINERS

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IN THE MATTER OF

LYNDON A. GOLDSMITH, D.V.M.

TO PRACTICE VETERINARY MEDICINE  
IN THE STATE OF NEW JERSEY

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Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (the "Board") following the Board's review of a consumer complaint filed by C.P. against Lyndon A. Goldsmith, D.V.M. ("Respondent"). The consumer complaint alleged that the Respondent engaged in negligence and professional misconduct in the treatment of the complainant's one (1) year old dog "Abbey" in 2006 in that Respondent failed to diagnose persistent right aortic arch ("PRAA").

Abbey was presented to Respondent at the Park Veterinary Clinic ("Hospital") on July 26, 2006 for chronic regurgitation and

lethargy. She had been suffering from regurgitation since her adoption by C.P. from a research facility on July 14, 2006. Respondent advised C.P. that Abbey might be eating too fast and suggested that she be held upright when being fed and that a ball be put into her food to slow her down. Radiographs were taken on August 2, 2006 and showed no evidence of megaesophagus; an endoscopy was performed on August 2 and a stomach biopsy was performed on August 7. On August 9, Abbey started to vomit and have diarrhea; she also continued to have trouble eating. On August 13, the biopsy results showed helicobacter pylori in her stomach, which Respondent treated with Clavamox. According to C.P., Respondent suggested that the bacteria could be causing the regurgitation. On August 24, 2006, C.P. contacted the veterinarian from the research facility who sent C.P. barium x-rays which had been done on Abbey before the adoption, and suggested that Abbey might have PRAA. The research facility veterinarian phoned Respondent to discuss this possible diagnosis, which, according to C.P., Respondent dismissed.

Abbey continued to have trouble with regurgitation, so on November 20, 2006, C.P. brought her to Cedar Lane Animal Clinic for a second opinion. Abbey's physical examination was unremarkable, so blood and urine were taken for routine biochemical testing, and Abbey was referred to Veterinary Surgical and Diagnostic Specialists where she was subsequently diagnosed with PRAA.

In correspondence to the Board, Dr. Goldsmith maintains that the allegations are unfounded. Respondent asserts that he did not dismiss the diagnosis of PRAA; however, the research facility veterinarian felt that the barium x-rays were not of diagnostic quality. According to Respondent, the barium radiographs showed barium in the distal esophagus and what appeared to be a possible obstruction by the diaphragm, and did not show dilation cranial to the heart base. Respondent also asserts that he recommended various diagnostic tests for Abbey, however, C.P. rejected these due to financial concerns.

The Board, following its review of the patient records and other relevant documents in this matter, has determined that because Abbey had such a long history of regurgitation, Respondent should have referred her to a specialist when her condition failed to improve. The Board has concluded, therefore, that Respondent has engaged in repeated acts of negligence in his care and treatment of Abbey, in violation of N.J.S.A. 45:1-21(d), due to the following: 1) failing to properly diagnose PRAA; and 2) failing to refer Abbey to a specialist when her condition did not improve. This conduct constitutes a violation of N.J.S.A. 45:1-21(d), and therefore establishes a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the

Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown;

IT IS, THEREFORE, ON THIS \_\_\_\_ DAY OF MARCH 2011

**ORDERED THAT**

1. The respondent, Lyndon A. Goldsmith, D.V.M., is hereby reprimanded for engaging in repeated acts of negligence, as described above, in violation of N.J.S.A. 45:1-21(d).

2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(d).

3. Dr. Goldsmith shall pay a civil penalty in the amount of \$3,000.00 for engaging in repeated acts of negligence. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director, State Board of Veterinary Medical Examiners, 124 Halsey Street, P.O. Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$3,000.00, in equal monthly installment payments of \$125.00 for a total twenty-four (24) months. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

4. Failure to comply with any of the provisions of this Order or to timely remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

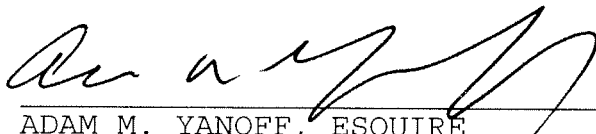
By: \_\_\_\_\_  
MARK W. LOGAN, V.M.D.  
President

I have read and understand  
the within Consent Order and  
agree to be bound by its terms.  
Consent is hereby given to the  
Board to enter this Order.

  
\_\_\_\_\_  
LYNDON A. GOLDSMITH, D.V.M.

4/11/11  
DATED:

Consent as to form and entry.

  
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ADAM M. YANOFF, ESQUIRE  
Cipriani and Werner  
Attorney for Lyndon A. Goldsmith, D.V.M.

4-19-11  
DATED: